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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,124	07/02/2003	David E. Dugger	28498.00	3889
22465	7590	03/24/2005	EXAMINER	
PITTS AND BRITTIAN P C P O BOX 51295 KNOXVILLE, TN 37950-1295			CHAPMAN, JEANETTE E	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,124

Applicant(s)

DUGGER, DAVID E.

Examiner

Chapman E Jeanette

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 15 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: patent copy w/annotations.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-¹⁸~~8~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over Chi (6484472) in view of Jensen (55313754) and Zeilinger (4837997).

Chi discloses a corner guard providing protection for wall or the material on the walls such as tiles attached proximal of a corner junction formed by wall intersection comprising

(SEE ANNOTATIONS ON PATENT COPY)

1. an edge guard bent to cover a portion of the intersection of the side walls at the corner junction
 - a. first and second attaching members 11/15 having elongated lengths extending from the base to the upper ends or upper side segments; the base and attaching members are separated by a gap/groove 2 vertically oriented along a midline axis between the first and second attaching members whereby the attaching member may be partially independently angled to separately attach along each respective side wall surface proximal of the intersection of the side walls
2. a base end configured to releasably attached to each wall proximate the corner junction

3. a ledge, proximate 12, formed integrally with the edge guard base end; the ledge extended a sufficient width outwardly offset from the base end
4. A cover, below element 12, capable of covering a tile as shown by Zeilinger; this cover depends downwardly from the ledge and being sized and angled to cover the wall/tiles proximate the corner junction; see annotations on patent copy of Chi; Zeilinger discloses a corner guard adapted to cover the tiles capable of deflecting impacts and covering the intersection of the side walls proximate the tiles; The material for the edge guard of Chi and Zeilinger are of very similar polymer material and hence though the purposes are different, each guard is capable of fulfilling alternative uses such as impact protection and providing a water tight seal.

One may argue that Chi does not show the gap nor the ledge and tile cover. Jensen discloses a corner edge guard with a gap and Zeilinger discloses a corner guard with an edge guard 24, a ledge 110 and a tile cover 64. The ledge includes a set back width forming a depth. It would have been obvious to one of ordinary skill in the art to modify Chi to include a gap instead of a groove and to include the additional elements of the tile cover to adjustably provide additional protection to the wall and its part and to the base boards.

The side walls of Chi are considered wide enough and long enough to cover the corner wall portions and the ledge is also dimensioned appropriate for its use; one of

ordinary skill in the art would have appreciated employing the proper size for the edge guard and ledge parts in order to fulfill the intended use of the corner guard.

Applicant's arguments are moot given the new ground of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E Jeanette whose telephone number is 703-308-1310. The examiner can normally be reached on Mon.-Fri, 8:30-6:00, every other fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Friedman Carl can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jec


Jeanette Chapman
Primary Examiner



US006484472B2

(12) **United States Patent**
Chi

(10) **Patent No.:** US 6,484,472 B2
(45) **Date of Patent:** Nov. 26, 2002

PATENT COPY W/ANNOTATIONS

(54) **PROTECTIVE CORNER GUARD**

5,143,064 A * 4/1998 Bennett 52/718.04
5,979,132 A * 11/1999 Margarit 52/312
6,354,049 B1 * 3/2002 Bennett 52/287.1

(76) **Inventor:** Fu-Long Chi, No. 2, Lane 1157, Sec. 1, Li-Ming Rd., Nan-Tun Dist., Taichung City (TW)

* cited by examiner

(*) **Notice:** Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 33 days.

Primary Examiner—Carl D. Friedman

Assistant Examiner—Naoko Slack

(74) *Attorney, Agent, or Firm*—Ostrolenk, Faber, Gerb & Soffen, LLP

(21) **Appl. No.:** 09/834,119

(22) **Filed:** Apr. 12, 2001

(65) **Prior Publication Data**

US 2001/0037617 A1 Nov. 8, 2001

(51) **Int. Cl.⁷** E04C 2/38

(52) **U.S. Cl.** 52/718.02; 52/717.04; 52/288.1; 52/312

(58) **Field of Search** 52/717.04, 288.1, 52/718.01, 105, 312, 718.02; 108/27

(56) **References Cited**

U.S. PATENT DOCUMENTS

5,657,955 A * 8/1997 Adams 248/345.1

(57) **ABSTRACT**

A protective corner guard includes a main body formed integrally from an ethylene-vinyl acetate copolymer foam material. The main body has two side walls connected to and intersecting with each other at a predetermined angle. Each of the side walls has an inner surface adapted to face a wall corner, an outer surface opposite to the inner surface, and two opposite end portions, each of which has a recessed section formed in the outer surface and a fastener hole formed in the recessed section. A fastener extends through a respective one of the fastener holes for fastening the main body to the wall corner. Light reflective pieces are received in the recessed sections for covering the fasteners, respectively.

4 Claims, 3 Drawing Sheets

